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MR. PRESIDENT :—“ That is why I have suggested that both of you come together. Either you convince them or they convince you. Do you press the resolution? ”

* MRS. M. N. CLUBWALA :—“ Yes, Sir, I press the resolution.”

THE HON. DR. T. S. S. RAJAN :—“ I think I have made matters clear. The Government are prepared to consider the whole question and give it their best consideration. Since we are already moving in the matter, I said that we would seek the co-operation of the Mover and incorporate any suggestions that might be made. It is only a question of amplification or correcting errors, if any. This can be done by the co-operation of the members here and others who would like to help the Government. I think I have made this much clear that the Government are favourable and that they are moving in a particular way. If that particular method is not satisfactory, we would seek the co-operation of other members also to put it right. That we are prepared to organize the scheme and spend the money, I have already said in my statement. I do not really see where the difficulty arises. That is why I request the hon. Mover to withdraw the resolution.”

MR. PRESIDENT :—“ The hon. Member will do well to 5 p.m. withdraw.”

* MRS. M. N. CLUBWALA :—“ I shall withdraw, Sir, but on conditions.”

The resolution was by leave withdrawn.

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* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“ Mr. President, I am grateful to you for giving me this opportunity of moving this resolution which runs as follows :—

‘ This Council recommends to the Government to convey to the Constituent Assembly that this Council is of opinion that the Provincial Legislative Assemblies and Councils should be given an opportunity to offer their views on the draft Indian Constitution Bill before it is finally passed by the Constituent Assembly, and necessary steps be taken to have the draft Bill transmitted as soon as possible for the consideration of this Provincial Legislature, fixing a date by which the opinions of the Legislature should be made available.’

“ Sir, it has been my good fortune on many occasions to move resolutions in various assemblies, not necessarily legislative, and it has been my good fortune also in this House to have spoken on more than one occasion, thanks to your indulgence and the indulgence of my colleagues, but on this occasion I am overwhelmed

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with a sense of responsibility and I therefore feel a sense of diffidence which ordinarily I would not feel on such occasions. The subject is one which is enthralling in its importance and its significance is so great that no person can really take up an attitude which does not in the long run conduce to the benefit of this country and the whole nation. I do wish, Sir, that this motion had been given notice of by a Member of the other House, for I think, it would have been much more appropriate for that House to have discussed the question for the very simple reason that this Council had not had an opportunity to send any of its representatives to the Constituent Assembly and that all the representatives sent, were from the Legislative Assembly. I should also like to mention how much more gratified I would have been, if in this Council an elected member had given notice of this resolution and the stigma may not be attached to me that I am merely a nominated member. But as I said on another occasion, I do feel and I feel more strongly than ever on this occasion that I represent the common citizen much more than any elected member can do, because while an elected member represents his own constituency, I represent all those who are not on the rolls of the electorate. For that reason I feel gratified to move this resolution.

“ Sir, before I come to the subject-matter of this resolution, may I make a plain statement? I want it to be understood by every hon. Member here and those who are not here, but who may have an opportunity of hearing about this resolution that I have no intention of passing any criticism of any action that has been taken or any decisions that might have been reached and it is certainly far too great a responsibility for me to think of offering such a criticism on the Constituent Assembly and I therefore want it to be made very clear at the very beginning of my speech that my intention is not to offer any such criticism. Secondly, I am perfectly well aware of the fact that the leaders who are responsible for the Government of this great Dominion are in the midst of a great and Herculean task, the like of which it has not fortunately been the lot of any one single person to bear. Those of us who have had the opportunity of listening over the radio to the two great moving speeches made by two of the Members of the Dominion Cabinet, Messrs. Pandit Jawaharlal Nehru and Sardar Vallabhai Patel and those who have had the opportunity of hearing similar speeches made by responsible Ministers in the other Dominion, cannot but feel that on this occasion their sense of responsibility has been so great, their sense of grief has been so much and their sense of diffidence has been so immense, that it would be the last thing for me to add anything to the difficulties of the situation. At the same time, Sir, I do feel that the issues are so fundamental that they should have to be faced at some future time. What are the issues? Sir, the issues are not of immediate importance. We are not framing a constitution for to-day. We are framing a constitution for the future, in fact for the citizens yet unborn, a constitution that will stand the test of time and a constitution that will go down to posterity as a document worthy of the generation

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which had the great privilege of framing that constitution and when such is the case, nobody can gainsay the fact that the constitution that is to be framed should be such that it will receive the widest measure of support and for that purpose it will have the opportunity of receiving the largest measure of responsible criticism, so that finally those who are the arbiters of the future constitution may have all facts placed before them for the shaping of that constitution for this great land of ours.

“ Sir, let me give in brief, a little history of the Constituent Assembly. It was many years ago that the question was mooted that the proper method of framing a constitution for an independent country was by the assembling of a body known as a Constituent Assembly. I well remember the late lamented leaders pressing this point, of whom my esteemed friend the late Mr. Satyamurti was one, who always pressed this particular point. Sir, the Constituent Assembly procedure was the result of the discussions that took place when the Cabinet Mission visited India and the Cabinet Mission's statement of May 1946 was the first statement, envisaging the possibility and the necessity of a Constituent Assembly. Subsequently difficulties arose, which are too well known to all members for me to capitulate them at any great length. But those difficulties led to a further statement by His Majesty's Government on the 6th December 1946 defining the scope of the Constituent Assembly and the manner in which the Constituent Assembly was to work. Even that statement did not produce the effects that it had been hoped it would produce, and therefore a further statement was made by the Prime Minister on the 20th February 1947 definitely guaranteeing that by the end of June 1948 the transfer of power would be complete and that India would be an independent country. Sir, a further pronouncement was necessary when a change of Viceroy took place and Lord Louis Mountbatten, the present Governor-General of the Indian Dominion took charge and owing to further consultations among the leaders of the two major political parties, for in all these transactions, let me remind the House, none other than the two major political parties was consulted by the British Government or by those responsible for the Government of this country. I do not complain of it, Sir; they were perhaps the best persons to be consulted on the subject, but I want to make this statement clearly and emphatically that the two major political parties were the only two parties that were associated with any of these consultations from that date onwards and the responsibility for the shaping of the future of this country was shared between those two major political parties and His Majesty's Government in Great Britain. Sir, the result of that was that a statement was made by His Majesty's Government on June 3, 1947, transferring power immediately and affirming that there would be no hesitation whatsoever for the Viceroy to leave this country and actually fixing a date on 15th August. We have celebrated that day, Sir. The other day, we all had the opportunity of expressing our joy. I was glad indeed for more reasons than one that the British power had left this country. For, to-day I am in the happy

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position of speaking to my own countrymen without any reserve whatsoever, without that unfortunate misunderstanding that some times creep into our public life when people differ from the major political parties and those phrases and clauses being showered by particularly one section of the nationalist press whenever some of us had the misfortune to differ from the views of a particular political party. But, Sir, I feel that to-day, after the passing of the Government of India Independence Act on the 15th August 1947, I am in a much stronger position to speak to my colleagues opposite without any fear of being misunderstood. They and all of us have got this one point in common, because in future there is no more question of a foreign power to misunderstand us, or our statements being misunderstood as helping a foreign power; we talk as brethren across the table and I therefore take this opportunity of speaking something which is uppermost in my mind in connexion with this most vital question of the future constitution of India.

“ Sir, let me at the same time state that one great thing has happened which makes it all the more obvious that constitution-making need not necessarily be the most urgent of the activities of our country at present. The passing of the Indian Independence Act of 1947 gives in section 8 of the Act, power for temporary provision as to Government of each of the new Dominion. The Constituent Assembly itself becomes the Legislature. The Dominion and all Provinces shall be governed as nearly as possible by the Government of India Act, 1935. That makes it very clear, Sir, that the position at present is that we have a very definite and settled form of Government conducted by Indians for Indians and that the question of the constitution of the future Dominion of India is not necessarily of that urgent and prime importance as it should have been were there a gap where no constitution was in being and were there no rules and regulations by which the activities of the Government could be carried on.

“ Sir, let me at this stage refer to one other point. At the time when the Constituent Assembly was formed, we were not sure what the political future of the country would be, and I think it was very right under those circumstances that the elections to the Constituent Assembly should have been conducted by the major political parties in the manner in which they were conducted. They were right at that time, because there was still a foreign power with whom they had to deal and from their point of view they felt that there must be a considerable amount of solidarity among the members of the Constituent Assembly, which they could not possibly expect otherwise, and I therefore make no grievance of the fact that the elections were held in a manner that can be said to be only on party lines. The persons that were elected by the legislatures of all the Provinces were persons that were predestined to be members of the Constituent Assembly, about whose elections, direct instructions were given by the High Commands of both political parties and to that extent therefore the Constituent Assembly was constituted—again I repeat—largely and almost exclusively by the dominant political parties in this country, the Congress and the Muslim League.

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“ Sir, at the first meeting of the Constituent Assembly one of the major political parties was unfortunately not present. There were divisions and differences, which it is not my purpose to refer; nor does it concern me. But inasmuch as the Constituent Assembly did meet, the members there considered the whole question from the point of view of the Constituent Assembly, and it is worthwhile noting that rules of procedure were framed by the Constituent Assembly of India at that very first meeting.

“ Sir, I wish to invite your attention and the attention of this House to rule 63 (1) framed under the rules of the Constituent Assembly. This is with regard to the consideration of draft constitution.

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“ ‘ The Assembly shall ’ so says the rule, ‘ before finally settling the union constitution, give an opportunity to the several Provinces and States through their Legislatures to formulate within such time as it may fix, their views upon the resolution of the Assembly outlining the main features of the constitution, or, if the Assembly so decides, upon the preliminary draft of the constitution.’

Section 2 of the same rule says :

‘ Before the constitution of any province is finally settled, or the decision to set up a group constitution for the section in which the province is included is finally taken, an opportunity shall be given to the province concerned, through its Legislature, to formulate, within such time as may be fixed for the purpose, its views (a) upon the resolutions outlining the main features of the constitution, or if the majority of the representatives of the province in the Assembly so desire, upon the preliminary draft of such constitution, and (b) upon the preliminary decision of the section concerned as to whether a group constitution shall be set up for the province which is included in the section, and if so, with what provincial subjects the group should deal.’

I am aware that the latter portion of that particular resolution is not operative, but the main part of the resolution is still operative. When this resolution had been passed, it was the hope of all of us that when the constitution had progressed to a certain stage, there would be an opportunity given by the Constituent Assembly for the Legislatures of the various provinces, for the Governments of the various provinces and for the masters of these Legislatures, the electorate and the public, to give expression to their views in an organized manner, so that such views may be placed before the Constituent Assembly for its final consideration. Sir, it was only because there were reports published in the papers—and they have not been contradicted—that it was not proposed to send this draft Act to the Provincial Legislatures, that I have ventured to place this resolution before this House with the humble hope that the hon. the Leaders of the Party and the Prime Minister will be in a position to place these views before the Constituent Assembly

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and ask them to seriously consider whether they should not modify their attitude to this matter. Sir, I am greatly strengthened in my demand for such a procedure by the history of the Constituent Assemblies in the world over. There have been in the past Constituent Assemblies in other countries which have met, and those Constituent Assemblies have not been dissimilar to the one that we have in this country. Sir, let me refer to Canada. Canada had a mixed population, the French and the English. Both of them fought in the proverbial Irish expression like Kilkenny Cats. But finally when they settled their differences, they suggested that a Constituent Assembly should be constituted to frame the Dominion Parliamentary Procedure of the Dominion Legislature. Let me just give you this extract:

'The Canadian constitution was in effect framed in two stages, with an interval for provincial criticism. The resolutions of the Quebec Conference, 72 in number, were passed between October 10 and October 29, 1864; they were then submitted to the several Provincial Governments with a view to their being brought before the respective Legislatures for acceptance. Certain modifications were suggested; they were found necessary and therefore the draft prepared had to be considered in two stages, one at the Quebec Conference in 1864 and then at the Westminster Palace Hotel Conference in 1866, with an interval for criticism by the Provincial Legislatures.'

Mark the interval, Sir. It was nearly two years before the final Bill was passed.

"Let me take again another of these constitutions which were framed after fierce struggle. Hon. Members are aware that in South Africa for instance, the Constituent Assembly that met had certainly a difficult task after the great struggle that had taken place between the Boers and the British. The South African constitution was passed, as was the constitution of Australia also, by a Constituent Assembly. In Australia and South Africa, the same plan was deliberately adopted from the very start. The Australian Convention first met at Adelaide on March 23, 1897. The proceedings lasted little more than a month and at the end, a Bill was drafted. The next session was held at Sydney in September 1897 and during the interval, the Bill was considered by the various State Parliaments. The last session was held at Melbourne between January and March 1898. Thus, ample time was given to several states to criticize the first draft before the final form of the Bill was settled. Similarly, in South Africa, the Convention held its first session at Durban in October 1908. The draft Bill was then submitted to the Parliaments of the four colonies for approval. But the final session was held at Bloemfontein.

"These precedents, I respectfully submit, show that the drafting of the constitution should be done in two or more stages with a definite interval for criticism in the various provinces. All that I am suggesting at present is that this procedure is a wise procedure; it has historical precedents for it, and has been known to be certainly workable in more cases than one. I am perfectly aware that our representatives in the Constituent Assembly have expressed

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many views with which probably the Legislatures of their provinces will agree. They have represented them in their individual capacities; but they had not the backing of the Legislature to show that that was a directive that the Legislature had asked them to convey. I know, for instance, the Hon. Leader of the other House had amendments given notice of. I know several others also gave notice of amendments; but I may say this: and I do so with no desire to question the utility of such amendments. Those that have followed the procedure of the Constituent Assembly would know that more often than not—and I shall be corrected if I am wrong—a preliminary stage had to be held before the final stage. The preliminary stage was in regard to the discussion of these various subjects at party meetings where undoubtedly decisions were taken after a very frank, very full and very deliberate discussion. But, Sir, when these decisions had been taken, I am given to understand that at the open session of the Constituent Assembly, a certain amount of party discipline prevailed and members were not as free as they might have otherwise been to express their views. Now, Sir, in certain of the Constituent Assemblies, realising this particular danger, in the rules of procedure it was laid down that all discussion must be very frank and full, that there must be no preliminary discussions in any group or section or party. Unfortunately that procedure does not seem to have been followed in the Constituent Assembly to-day.

“ Sir, I wish to refer to another point that is relevant in this connexion. A resolution of the All-India Congress Committee was passed on the 7th July 1946 and there it was stated that ‘ the kind of independence Congress had aimed at is the establishment of a united democratic Indian Federation with a central authority which would command respect from the nations of the world, maximum provincial autonomy and equal rights for all men and women in the country.’ Then, with your permission, may I go to a few of the details which have a bearing on this question, that it is vital for the Provincial Legislatures to be consulted before the constitution Bill is finally adopted?

“ But may I, before touching upon that point, dwell on another point? Considerable emphasis has been laid on this aspect of the question that the Constituent Assembly is a sovereign body; but I am sorry to say that even great constitutional pandits have not fully realized what that sovereignty meant. That sovereignty, in my humble opinion, consists of two sovereign functions; the first and the most important, that the Constituent Assembly is a sovereign body with respect to any foreign country, with respect to any foreign Government, that it shall not be dictated to by any foreign Government; secondly, that once the final decisions of that Constituent Assembly have been taken, those decisions have the weight of a sovereign body. They cannot be changed. But, in between these two, the Constituent Assembly is not a sovereign body in that it can afford to ignore or that it need not take into consideration

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the opinions expressed by the Legislatures. I think it would be fundamentally wrong, it would be going against all canons of constitutional procedure if we say that it is a sovereign body, that, therefore, the discussions in the Constituent Assembly should be conducted without having placed before those bodies the very valuable opinions of the very persons who had elected members of that Constituent Assembly. Well, my hon. friends opposite could not have got their seats in the Constituent Assembly if the electorate, viz., this Provincial Legislature, had not voted for them, and they owe it to the Legislative bodies, and more than to anybody else, they owe it to the larger electorate, that a reasonable opportunity should be given to the Provincial Legislatures for discussions of the main features of the constitution. Sir, I have already pointed out that there was no question of hurrying through this constitution-making. Personally—and I express this opinion with a great deal of humility—I would plead for the postponement of the Constituent Assembly at this present juncture. Men's tempers are too badly frayed; men's stamina are too badly injured; men's equanimity is not always put in the forefront. The few discussions that have taken place in the Constituent Assembly are evidence of the fact that unfortunately very reasonably—and perhaps one can understand it—the proceedings have shown that at times, the discussions have not been as they would have been under more fortunate circumstances. Nobody is to blame. Every one in the Constituent Assembly should have felt that amount of agitation which comes out of the disastrous news that was reaching the Centre of the Government of India almost every day, every hour, not between sessions, but in between a morning and evening session as well. Left to myself, therefore—and mine is a very very small voice, it will not carry even as far as this House perhaps—constitution-making should be put on the shelf for the present and all the energies of those great leaders and administrators should be concentrated on the vital questions affecting this country—on the vital question of food, on the vital question of harmony among the communities, on the question of the maintenance of order and discipline, which unfortunately is not prevalent now, on the question of the maintenance of peace. And in this connexion, may I say—and I do not say it as a matter of complaint—but if the Hon. Ministers had been here—for the greater part of the session, they were compelled to be in the Constituent Assembly—and if they had taken in time those steps which, thanks to the energetic drive of the Hon. Prime Minister and I have no doubt the other Ministers also have taken to-day—South India would not be faced with the very difficult food situation and the Hon. Food Minister need not waste so many hours in explaining in the other House and in this House what steps have been taken and what steps still remain to be taken. I, therefore, feel that in this moment of great stress and strain, when people's tempers are frayed so badly, when there is a great deal of agitation, the most fundamental thing is peace, harmony, equanimity, good temper; and freedom from want is the

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first thing. What can or will it do for you if you have the most laudable constitution in the world, if the citizens are not there to enjoy the fruits of that constitution?

“ Sir, let me next just deal with a few other points. Sir, I do not want to go into details. I am much handicapped for facts because not much information is made available to us as members of the Legislature as regards the proceedings and the details of the Constituent Assembly. I can say this much that there are certain functions that are being discussed there, functions that concern the Provinces. I am grateful to the Government for having placed before the members of this House this little pamphlet which gives the principles of a model provincial constitution as adumbrated by the Constituent Assembly. Certain very important functions are being discussed in the Constituent Assembly and we are certainly interested in the Provincial Governments that are being set up. We are most vitally interested in what sort of a Provincial Government we are going to have under the Union which is going to be established. That will certainly decide how far we will be in a position to reap the rich benefits that all of us have been dreaming, longing and hoping for all these years, at the dawn of the Independence of India.

“ Sir, let me in this connexion refer to one other aspect of the Constituent Assembly. Between December 1946 and August 1947, many eminent constitutional pandits have stressed the view that there should be a strong centre. From the resolution of the All-India Congress Committee, we see that it asked for the establishment of a United Democratic Indian Federation with a central authority which would command the respect of the world with maximum provincial autonomy. But the pendulum has swung to the other extreme to-day. I plead for a strong centre but my idea of a strong centre is certainly very different from the strong centre as adumbrated in other quarters. Let me apologize, if I am mistaken. I plead for a strong centre, its strength lying in the willing co-operation of its units, its strength lying in the loyalty that the units will give unto it, its strength lying in the generous manner in which support will be evoked by the members of that centre. I do contemplate a strong centre of this sort but I do not contemplate a strong centre with *force majeure* because that will be undoing the whole future constitution of any country. History tells us what the lessons of a strong centre are. The strongest Government in the world, I suppose that everybody will admit, is the British Government; it was dictated by a strong centre. It was a strong centre that brought on the American War of Independence and lost to that country, the United States of America. Again it was a strong centre that lost Ireland to Great Britain. It was as a result of the folly of the strong centre that great Statute called the Westminster Statute which has to-day led to a situation where the Dominions very readily, unequivocally and with no mental reservation have come unanimously to the help of Great Britain in her hour of trial and in her hour of labour. Australia,

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Canada, New Zealand, South Africa, every one of these Dominions came to England's rescue because there was no nonsense about the strong centre being dictated by Great Britain. If it had dictated, then different results would have followed.

Sir, here is another point that I want you to consider very seriously. We are talking of Democracy and this implies the changing fortunes of political parties. The essence of a Democracy is that the members on the Treasury Bench may one day have to leave those places and find their place in the Opposition, not merely in the Province but in the Centre. Just imagine what it will be. To-day a great leader has been giving many delectable discourses to audiences in Madras that he wants to form a different Government. At least that is what I understand from the speeches. Supposing for instance, one very important province elects to become socialist or communist, I ask whether that province would look on the Centre? Supposing the position is reversed; what will be the implications of this strong Centre? A strong Centre will be in a position to exercise its strength in order to impose on the Provinces its political ideologies and the Provincial Governments would have to be in a position to yield with grace. Where necessity arises, the Centre can impose its political ideologies on the Provinces. Suppose, we break from the Centre, then all blunders will be committed. It is true that we have been committing Himalayan blunders. We have perfected the technique of committing Himalayan blunders but the time has now come when we should take stock of the situation. So, I passionately plead for a strong Centre, the strength of which would be in the willing co-operation of all the units, in the amount of admiration that will be evoked from this House in the responsive co-operation that will be extended at all times, much more in times of stress, in times of need and in times of common danger. I am pleading for a strong Centre, the strength lying in the willingness of its children, at all times readily to give of their best and to give generously all the things that are worth giving.

Sir, looked at from that point of view, my own views are different. Judging from the distinctions in the categories of subjects that are to be dealt with under the Constitution Act, I may say that it is somewhat disappointing. We have the federal subjects; we have the Provincial subjects; we have subjects under concurrent authority. Sir, I do not want to raise important controversial issues but my point in referring to these subjects is merely to show that none of these Legislatures have been consulted in the allocation of these subjects. I, therefore, plead with the Government that they should take up this task when they are finally drafting the constitution. Sir, let me give one instance. Among the federal subjects is one called Defence Industries. The Hon. Minister for Defence and the Hon. the Finance Member should be very interested in these subjects. Defence should no doubt be a central subject. There can be no two opinions about it. Foreign Affairs, Defence and Communications are now federal subjects but

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to include Defence Industries in federal subjects is altogether wrong. There will be no responsibility for the Provincial Government in this matter. It would cripple the Province and would make the Province effeminate. I feel that while Defence is a federal subject, Industries ought to continue as a provincial subject. I suppose everybody knows what those things meant in the past but after the present Great War, everything can be included under this subject Defence Industries. It may include even the requisitioning of this Legislature much more for the purpose of Defence. Sir, every industry, the mill industry, the iron and steel industry and all other adjutant industries—Education may be classed as a Defence Industry for the purpose of training technicians and our educational institutions were commandeered during war-time—all these industries go under Defence Industries as a central subject. I have no objection whatsoever to transport being a federal subject and I do admit it as their legitimate claim. But if it is a question of extending any Industry to the whole of this Province, we are entitled to ask that our self-respect should be preserved. Are we to submit meekly when the Centre says that such and such Industries should be developed in our Province? (The Hon. Sri K. Madhava Menon: We can take their advice.) By all means, we can have most of the advice. We have been on principle accepting advices and we have been grateful for the same though it is beyond the pale of our position, but to put several of the Industries beyond the jurisdiction of the Province will be courting trouble within a very short time. I am sure that it is the unanimous feeling of all the members that the Provincial Legislatures should have some voice in the working of the scheme; otherwise, it will be unworkable and it will break. So, you must be cautious in regard to these matters, matters such as development of Industries. Development under federal control is declared to be an expedient in the public interest. As one who has been trained in the British Imperialist rule, I want to know what public interest is involved there! Public interest under federal control to be utilized for the purpose of fulfilling some delectable ideas! It is a most comprehensive section that you can imagine. If the development of Industries under federal control is to be an expedient in the public interest, are the Provinces to have no voice in that public interest? Public interest of the Provinces will be the same as the public interest of the Centre.

"Sir, I now come to recent history. I do not want to raise controversial issues but there have been violent differences of opinion with regard to the location of these Industries and with regard to the methods of fostering them. To whom should the development of such Industries be given, the Province or Centre?

"Sir, then there is another subject, 'Item 65'. Mineral Development.' This subject is to be administered by the federal Government. I do not know why. There may be certain minerals, the development of which will be better if left to our own Province

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instead of to the Centre. In such cases, are we to leave the development of such minerals to the Centre? So, if you are agreed on that subject, then I say that all authoritarian forms of rule have always to be discarded and discouraged.

“ Sir, I shall not take much more of your time but there are certain vitally important things which I wish to refer. One is about the election of a new Governor to the Province. That is a new experiment we are going to have. Whether the election should be by adult suffrage, whether it should be by electoral college or whether it should be in consultation with the Legislatures or whether the Governor should continue after the Legislatures, are all questions which require much greater consideration and it will be well if the Provincial Governments are allowed to offer their own views before arriving at any final decision. I can say that many troubles are ahead. The election of Governor under adult franchise, the principle of joint electorates, again the question of the number of seats for the political party in power,— all these powers may be utilized adversely against another political party that may come within its term of office. Sir, I understand that the future Governors of the Provinces are to have more powers than Section 93 Governors. I do not know whether it is all in the right line. I would therefore plead that the Legislatures must be consulted in regard to all these matters.

“ Again, with regard to the Judiciary, in matters such as the appointment of High Court Judges, there is no reason why the Provincial Governments should not be consulted. If they are not consulted, there will be reasonable difference of opinion. Although consultation may be merely of an advisory nature, still consultation should be there. There are in this Constitution, I believe, very many such important subjects which require further consideration. Well, we have in the Constituent Assembly many eminent lawyers, many eminent Jurists, many ex-administrators. Yet, the country has a few more to spare to fill the gap which is very badly apparent if the constitution making should be of a perfect nature. Sir, it has been suggested that the constitution may be revised every five years. Let me tell you that no constitution will be worth having unless it is worked in an atmosphere of freedom. In the United States of America, they have framed a constitution which has stood the test of time. All powers and all discretions have to be by conventions. It is certainly the best constitution. You cannot plan a constitution today and revise it after five years. (An Hon. Member: Ten years.) I am sorry, I understand it is ten years. Ten years is a fair period in the life of an individual but it is a day in the life of a nation. Even if it is revised after ten years, such a planning is not worth the name. By the time we have understood to follow the Constitution, by the time we have understood the methods of working it out, by the time we have all these necessary and desirable things, the Constitution may be revised.

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[Dr. Sir A. Lakshmanaswami Mudaliyar]

So a Constitution should be allowed to grow up by convention and should not be revised periodically. I feel as one who is passing the age of effective co-operation in public affairs very nearly, that our duty to the younger generation will be ill-discharged if on this great question we do not take proper and considered views on the subject. The constitution is not being made, I repeat, for to-day and to-morrow, but it is being made for the future. It is not being made for this or that province but it is made for a whole Dominion, a Dominion which in spite of its separation, is perhaps one of the largest Dominions in the world, a Dominion inhabited by three hundred millions of people, with diverse races, diverse temperaments and diverse views. I ask those who are in charge of the constitution-making in the Constituent Assembly to pause and consider, to ruminate, to discriminate and to revise their views, if necessary. As I said once before, if they will put the new constitution-making in the shelf for the time-being and go ahead with it with that greater responsibility that devolves upon them imperatively and take time, when there is a greater amount of settled life, in this country, it will be all to the good. But, in any case, I do feel that I am not uttering any word of disparagement, I am not certainly criticising or cavilling but I am sure I am responding to the opinion of a large section of the people, of those who have given any ideas, any thought, any consideration to the subject, when I plead with you and with the hon. members on the Treasury Bench that this resolution should be accepted by this House in the spirit in which it has been offered and because it is one of the most important things that we have to concentrate upon."

5-45
P.m.

* MRS. M. HENSMAN :—" Mr. President, Sir, chivalry is not dead. On this side of the House each member must be wishing to get on his feet."

MR. PRESIDENT :—" May I know whether the hon. member is seconding the resolution of Mr. Lakshmanaswami Mudaliyar? "

* MRS. M. HENSMAN :—" Yes, Sir, I am seconding the resolution. I say that each member of this House should wish to get on his feet and second his resolution, and on the other side, also, Sir. But, they sit still and allow me to have the honour and privilege of seconding such a resolution as it is now before this House. Sir, you have truly said that the hon. member who has brought forward this resolution has spoken all too seldom in this House. He has made a comprehensive survey of the subject before us now and there is no need for me to dwell on it in detail, but I would suggest that in the new constitution that is coming there might be a clause doing away with this convention of seconding and some such clause may be put in that when a resolution is brought forward to which the heart of each member responds in full, the members may just stand up and pass it unanimously without the convention that we now go through, but at this moment . . ."

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MR. PRESIDENT :—" You may start the convention now."

* MRS. M. HENSMAN :—" No, Sir, I bow to the present constitution just now in force and which it is your privilege to uphold in this House.

" Now, I would just like to stress two points in this connection. One is, that the constitution of a family, as that of a nation, grows in many ways. It does not depend only on the body or on the mind and the spirit but the constitution of a new nation, of a new Dominion, that is going to be free in the near future, should not stop short, just as soon as it is placed on the Statute Book. It has to grow and be fed with the tradition, with the convention and with the views of those upon whom and to whom it will be left to minister. Therefore, I would plead with the hon. mover that this House adopts this resolution, so reasonable and so logical as it is, so that each representative, whether elected or nominated, of the Assembly, or of any provincial legislature in this country, should have a say in the formation of the coming constitution. Sir, we who have to abide by the laws that will be made, have got to be true and stand firm. The Medes and the Persians might have made the law which should not be altered by a jot or tittle, but we have moved as civilization has progressed and would do well to own to being fallible and own that a constitution roughly made and speedily hewn would have to be revised. Times have been rather unfortunate now and if at this time of political instability the Constituent Assembly sits to form a constitution, when millions of our own population are changing homes and are leaving the places where they were born, then, Sir, that constitution cannot be said to frame or to form a background of experience for the nation.

" Finally, I would bring before you the fact that this constitution that will be our own, should remain for a space of time. A broad hint has been given and we have been told that in the future the members of the Constituent Assembly may not be members of Provincial Legislatures. If that is so, how much more important it will be that a constitution that has to be framed for this country should be brought to the Provincial Legislatures first for suggestions, additions and subtractions, if there is any chance of the members of the Constituent Assembly not reflecting the views of the people in this Province. I will sit down by asking that this House not only supports the resolution but staunchly, loyally and steadfastly stands by the principles enunciated in this resolution."

MR. PRESIDENT :—" It is a very important resolution and I learn that a number of members on both sides are anxious to speak and make their views known not only to the Assembly here but the Constituent Assembly there also. So, the idea is to continue discussion on the next non-official day also and as the Government members think they cannot afford to stop here after 6 p.m., I think we may break up now and continue the discussion on the next non-official day."

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DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" I suppose that is before the closure of this session? "

MR. PRESIDENT :—" Yes."

SRI R. SURYANARAYANA RAO :—" Do we adjourn now or after 6 p.m.?"

MR. PRESIDENT :—" If you are going to finish by 6 p.m., I have no objection."

DR. V. K. JOHN :—" With the permission of the Leader of the House we can continue the discussion till 1 o'clock on Friday next."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" I think it is better to have a full non-official day and it would not matter if it is within a week."

MR. PRESIDENT :—" The next non-official day is the 24th. I propose to adjourn the House to the 22nd. On the 22nd we have the discussion of the supplementary budget. If you want to continue the discussion on the next non-official day, you will have to wait till the 24th. Some of the members, I understand, are anxious to go away, but if they are willing to stop here on the 24th we can continue the discussion on that day."

DR. V. K. JOHN :—" We can have the discussion on the 24th."

THE HON. DR. T. S. S. RAJAN :—" Yes, we can have the discussion on the 24th."

MR. PRESIDENT :—" I suppose the Leader of the other House will assure me that we can have the whole of the 24th for ourselves? "

THE HON. DR. P. SUBBAROYAN :—" You can have a full day on the 24th but at the same time, so far as the Ministers are concerned, we may be permitted to go on with our own business in the other House because other Ministers who have no work in this House can work in the other House."

MR. PRESIDENT :—" In fact I have been asking for such co-operation from the Hon. Ministers. We do not want all the Ministers to be present here but only such of those who can afford to should be here. It is now agreed that we adjourn now and meet again at 11 a.m. on the 19th September 1947."